

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Optional Environmental Assessment (EA), FONSI/DR Short Form

EA Number:		WY-060-EA09-083	
BLM Office:		Casper Field Office	Lease/Serial/Case No: WYW94433
Project Location:	T. 32 N.	R. 79 W.	Sec(s). 20
Applicant (if any):		Natrona County	

CONFORMANCE WITH APPLICABLE LAND USE PLAN:

This action is subject to the following land use plan:

Name of Plan: Casper Resource Management Plan (RMP)

Date Approved: December 7, 2007

This plan has been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

Plan Remarks: The following RMP decisions are pertinent to the proposal.

Jackson Canyon ACEC

- Decision 7004 (Special Designations) - The Jackson Canyon ACEC is retained and the management prescriptions in the Jackson Canyon ACEC HMP will be implemented with the following adjustments.
- Decision 7005 (Special Designations) - Access. A 60-foot-wide road to the archery range on public land now under R&PP Act lease to the Girl Scouts, proposed for construction by the Natrona County Parks Department, may be authorized by ROW. The 60-foot width should meet requirements under state law for subdivision access; such ROW will allow year-round occupancy.

Bates Hole Management Area (MA)

- Decision 7022 (Special Designations) - The Bates Hole MA is established on approximately 375,221 acres, of which 158,023 are BLM surface. This MA is defined by two State of Wyoming 5th-level watersheds: Bates Creek (HUC10180000702) and North Platte River-Bolton Creek (HUC 10180000701). Due to the mixed land ownership, the area will be managed in cooperation with adjacent landowners.
- Decision 7024 (Special Designations) - Surface-disturbing activities and disruptive activities are subject to a CSU stipulation, restricting or prohibiting surface occupancy unless the proponent and surface management agency arrive at an acceptable plan for mitigation for impacts. To meet watershed management goals, the Bates Hole MA is intensively managed as described in Appendix U – Intensive Management.
- Decision 7025 (Special Designations) - No new corridor designations will be made in Bates Hole. When placement of a major ROW facility within a designated corridor is not possible, and for smaller ROW and other linear facilities, placement will be adjacent to existing facilities or disturbances. Cross-country placement of ROW and other linear facilities will be allowed only when placement in a designated corridor or adjacent to an existing facility is not practical or feasible. The extent of all surface disturbances will be minimized.

Visual Resource Management (VRM)

- Decision 5019 (Human Resources) - Visual resource values will be managed under the VRM classes defined as mapped in the Casper Field Office GIS database. Changes in the number of acres within each VRM class depict a balance between development activities and protection of visual resources.

PROPOSED ACTION

Need for Proposed Action: On April 15, 1968, patent No. 49-68-0060 was issued to Natrona County under the Recreation and Public Purposes (R&PP) Act for development of an outdoor archery range. The range was developed and has been in use since that time. As part of the management and development plans associated with the R&PP patent, legal public access to the property was to be obtained by the County. Over the years since patent issued, several attempts have been made to secure access, but each faltered or failed for any number of reasons, but primarily over objections of intervening land owners along the road. On August 8, 2008, Natrona County refiled right-of-way application WYW94433 for a county road to the Archery Range located in T. 31 N., R. 79 W., sec. 20, S½S½. A right-of-way is needed to provide legal access over the segments of road that cross federal land outside of the patented area.

Legal access over the Archery Range Road will also facilitate legal access to several different private land holdings along the roadway. These properties, like the archery range, lack legal public access. This limits the ability of the landowners to utilize and fully enjoy their property, and precludes their ability to either subdivide or sell the properties on the open market. Many of the landowners along the road have expressed an interest in securing legal access to their property. A 60 foot right-of-way would provide adequate legal access to these properties. Such a roadway would also facilitate emergency vehicle access into the area for wildfire management as well as other emergencies.

Description of Proposed Action: The proposed action is to grant right-of-way WYW94433 for a county road, the Archery Range Road. The right-of-way is only for the public lands crossed by the road. Private land easements or agreements will be needed to cross those lands. The road extends from the Micro Road, Natrona County Road #504, southerly across a private land parcel owned by Group 10 and across the subject public land parcel, which is leased by the Wyoming Girl Scout Council under R&PP lease WYW62941. The road then turns southwesterly across another small private land parcel owned by Susan Hunter, across a parcel of land patented to the Wyoming Girl Scout Council under patent #1234368 issued under the R&PP Act, across more private lands owned by Dale Valentine and by Kathryn W. Rose, and culminates at the northern boundary of the archery range. The road continues into and through the archery range to adjoining private land, and extends into public land in the adjacent Jackson Canyon ACEC area. The road is basically a flat bladed trail.

The right-of-way as proposed across public land would be 60 feet wide, 1,180 feet (0.22 mile) long, affecting 1.63 acres of public land described as:

Sixth Principal Meridian
T. 32 N., R. 79 W.,
sec. 20, lot 5.

A Plan of Development (POD) submitted by the applicant is considered part of the proposed action. The POD includes measures to reduce or eliminate impacts to natural resources.

As part of the overall proposal, Natrona County will need to secure easements from the several landowners along the roadway, including securing an easement from the Wyoming Girl Scout Council for the portion of access road crossing the land under R&PP patent #1234368. The patent for this land includes covenants requiring BLM approval prior to transfer of title or substantial changes in use. BLM must approve any easement across that property, and will consider approval of such an easement as part of the proposed action.

The project area was inspected on June 26, 2009. Maps and photographs of the project area are attached.

Land Status Including Prior Existing Rights and Land Ownership of Adjacent Non-Federal Lands: The affected public land is a small, isolated federal land parcel, intermingled with state and private lands. The land is classified as suitable for lease or sale under the R&PP Act, and is segregated from operation of the public land laws including the mining laws, but not the mineral leasing laws. No status constraints are present to preclude the right-of-way.

The property patented to the Wyoming Girl Scout Council under Patent #1234368 includes perpetual covenants that require BLM approval prior to a change of ownership, and prior BLM approval for a change of use including issuance of any easements. These restrictions stem from the R&PP Act, which authorized the patent. That land is also subject to two separate access easements. One is a 50 foot wide easement reserved in the patent along the south boundary of the

parcel. It is merely a legal encumbrance—there is no roadway present in that location. The other is a 30 foot wide easement that was granted by the Wyoming Girl Scouts to the United States, and administered by BLM, to ensure legal public access across the property subsequent to issuance of the patent. This latter easement follows the alignment of the existing roadway.

Pending Applications: None.

Access: Access to the project area is available via the Micro Road (Natrona County Road No. 504), and over the subject road.

Land Uses and Land Use Capability: Some livestock grazing occurs and wildlife habitat is abundant in the general area. Recreation is the primary use of the public land, and public or private recreation is the dominant use of much of the land in this area. Hogadon Ski area is located $\frac{3}{4}$ mile to the north of the property and the Wyoming Girl Scout Council's Camp Sacajawea is traversed by the road. Other camps and private recreational cabin sites are scattered throughout the area. The predecessors of Group 10 operated a mine at the junction of the road with the Micro Road. No mining claims are of record on the subject public land. Authorized uses of the public lands are listed below.

<u>Number</u>	<u>Type</u>	<u>Authorized User</u>
WYW62941	R&PP lease	Wyoming Girls Scout Council

ENVIRONMENTAL IMPACTS:

Critical Element	Affected	
	Yes	No
Air Quality		X
ACEC		X
Cultural Resources		X
Farmlands, Prime/Unique		X
Floodplains		X
Native American Religious Concerns		X
Environmental Justice		X

Critical Element	Affected	
	Yes	No
T&E Species		X
Wastes, Hazardous/Solid		X
Water Quality		X
Wetlands/Riparian Zones		X
Wild & Scenic Rivers		X
Wilderness		X
Invasive Species		X

Description of Impacts (quantitative): Assuming a 60 foot right-of-way width, the overall road totals 6,730 feet (1.27 miles) in length and will affect 9.27 acres. Of this 5,550 feet (1.06 miles) and 7.65 acres is on private land, and the balance on public land. The proposed action would affect 1.63 acres of public land. The 60 foot right-of-way width is used as the minimum standard for subdivision road purposes.

Few impacts to natural resources will result from the proposed action, primarily because the road is existing and has been in use for over 50 years. It is expected the road will be upgraded periodically over time, but that the basic road template will remain largely unchanged. At present the road is flat bladed, approximately 20 to 30 feet wide with a wider corridor cleared of trees and vegetation. The roadway will be reshaped as needed and gravel will be applied as surfacing. This may result in minor impacts to soils and some vegetation though most of the surface has already been disturbed. Wind and water caused soil erosion will occur on a short-term basis when the soils are graded. Placement of gravel will improve the running surface in terms of trafficability, and will tend to reduce soil erosion and dust. Improvements to the roadway will increase public safety in terms of road use. Public safety will also be enhanced in terms of response to wildfire and other public emergencies with improvement of the roadway.

A modest change in visual impacts will result when the road surface is graveled. This will create a sharper contrast to the natural setting, mostly by defining the road edges and increasing the contrast of the road surface above the more natural existing condition. The road will look similar to other main roads in the area, including the Micro Road. The visual

impacts will be moderated because of other activities in the area, including the historic mining activities on the Group 10 property and the adjacent Girl Scout camp. The sinuous course of the roadway through the trees will further moderate the visual impact of upgrading the road.

Providing legal public access to the archery range is essential to continued public use of this recreational facility. Legal access was a requisite condition in approval of the facility and is an essential element to ensure continued legal public use.

Establishing a county road into the archery range will allow for legal access to the private lands along the road. This will facilitate use of those private lands. It will also afford an opportunity to subdivide or resell those lands. Given the proximity to the Jackson Canyon ACEC, subdivision and residential access is a concern to BLM, because of the potential for increased residential occupancy to impact wintering bald eagles and their habitat. Activities such as increased snowmobile use in the ACEC and possibly even pedestrian traffic could disrupt bald eagles in this wintering roost area. Natrona County has committed to keeping the south boundary of the archery range secured such that there is no unauthorized through traffic into the archery range. This should mitigate most of the potential impact. Management controls imposed by BLM on use of the ACEC will further mitigate any disruptive winter activity and should negate the potential for the road and residential subdivision to impact the roost area.

Because the road is existing and the area has already been disturbed, no cultural resources are likely to be present. Therefore, no impacts to cultural resources are anticipated. The project qualifies as a class III exclusion per the protocol between BLM and the Wyoming SHPO.

A wildlife review indicates that no species of concern are present in the area, and thus wildlife will not be directly affected by the project. No mitigation aimed at wildlife resources is needed.

The right-of-way will provide legal access across the public land, and facilitate continued use and development of the archery range, a popular public recreation area.

Cumulative Impact Analysis: No other new projects in this area are known of at present. Those existing land uses in the area have been in place for many years, and are subject to ongoing maintenance and some additions. The proposed action will add 1.63 acres of federal land disturbance and a total of 9.27 acres of disturbance along the roadway. However, much of this area has already been disturbed by development of the existing road.

Residual Impacts: Short-term increases in soil erosion and dust generation will occur as the road is graded and reshaped. Once gravel is applied, soil erosion should be reduced below existing levels. The visual impact created by surfacing will be a long-term impact.

Description of Proposed Mitigation Measures: Standard mitigation measures for road construction and maintenance will be applied, as will best management practices. The Plan of Development submitted with the right-of-way application includes measures to mitigate resource impacts. In addition, measures will be included to prohibit through traffic into the Jackson Canyon ACEC.

Other Persons/Agencies Consulted: Mike Haigler and Margaret Teevens, Natrona County Roads, Bridges and Parks Department.

Reviewers: Pat Moore, BLM Assistant Field Manager, Minerals and Lands; Charlie Fifield, BLM Assistant Field Manager, Resources; Chris Arthur, BLM Archeologist; Eve Bennett, BLM Outdoor Recreation Planner; Jim Wright, BLM Wildlife Biologist

Preparer(s): Randy Sorenson

Date: June 30, 2009